IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

Arbitration Application No.115 of 2005

M/s.Suyash Constructions Applicant

Vs.

Union of India Responents

Mr.G.L.Masand for applicant.

None for respondents.

CORAM: B.H.MARLAPALLE, J.

February 10, 2006.

P.C.

. The applicant had filed arbitration application no.191 of 2003 and the same was disposed off by appointing the Chief Engineer, Mumbai Region, Public Works Department, Government of Maharashtra as the sole arbitrator by consent of the parties. Consequently, Mr.G.B.Jadhav, Chief Engineer, Mumbai Region, PWD started the arbitral proceedings and statement of facts was submitted before him on 28-6-2004 but Mr.Jadhav came to be transferred to Pune and, therefore, Mr.A.J. Jagtap continued with

the arbitral proceedings. The respondent had submitted reply before him on 9-12-2004 but again Mr. Jagtap came to be transferred to Mantralaya. The learned counsel for the applicant states that Mr.M.H. Shah is presently the Chief Engineer, Mumbai Region, PWD, Government of Maharashtra and hence he seeks clarificatory order and more particularly in view of the letter addressed by Mr.G.B. Jadhav to the Chief Engineer, Public Works Department, Mumbai Region to continue with the arbitral proceedings pursuant to the order passed by this Court on 13-2-2004 passed by this Court in Arbitration Application No.191 of 2003.

. It is hereby clarified that the sole arbitrator appointed by this Court in Arbitration Application No.191 of 2003 shall be the Chief Engineer, Mumbai Region, PWD, Government of Maharashtra and if the incumbent holding the said post stands transferred, the successor shall be the sole arbitrator and it is, therefore, not necessary to specify the name of the officer concerned. If presently Mr. M.H. Shah is holding the post of the Chief Engineer, Mumbai Region, PWD, Government of Maharashtra, he shall proceed with the arbitral proceedings forthwith.

. The application is disposed off in terms of the above clarifications.

(B.H.MARLAPALLE,J.)